

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA

02-21698

THE UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

CIVIL ACTION NO. **MAGISTRATE JUDGE**  
**BANDSTRA**MIAMI-DADE COUNTY, FLORIDA; )  
MIAMI-DADE COUNTY BOARD OF )  
COUNTY COMMISSIONERS; )

BETTY T. FERGUSON, DORRIN D. )

ROLLE, DR. BARBARA M. CAREY- )

SHULER, GWEN MARGOLIS, BRUNO )

A. BARREIRO, REBECA SOSA, )

JIMMY MORALES, KATY SORENSON, )

DENNIS C. MOSS, JAVIER D. )

SOUTO, JOE A. MARTINEZ, DR. )

MIRIAM ALONSO, AND NATACHA )

SEIJAS, Members of the Board )

of County Commissioners; and )

DAVID C. LEAHY, Supervisor of )  
Elections, )

Defendants. )

COMPLAINT

The United States of America, Plaintiff herein, alleges:

1. The Attorney General files this action pursuant to Sections 11(a), 12(d), and 208 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973i(a), 42 U.S.C. 1973j(d), 42 U.S.C. 1973aa-6, and 28 U.S.C. 2201.

2. The Court has jurisdiction of this action pursuant to 28 U.S.C. 1345, 42 U.S.C. 1973j(d), and 42 U.S.C. 1973j(f).

3. Defendant Miami-Dade County is a political subdivision of the State of Florida and exists as a charter county, organized pursuant to the laws of Florida.

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CLARENCE HADDOX  
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S.D. OF FL - MIAMI

4. The Miami-Dade County Board of County Commissioners has responsibilities concerning voting and elections in Miami-Dade County. Defendants Betty T. Ferguson, Dorrin D. Rolle, Dr. Barbara M. Carey-Shuler, Gwen Margolis, Bruno A. Barreiro, Rebeca Sosa, Jimmy Morales, Katy Sorenson, Dennis C. Moss, Javier D. Souto, Joe A. Martinez, Dr. Miriam Alonso, and Natacha Seijas serve as Miami-Dade County commissioners. They are being sued in their official capacity, and each of them resides in Miami-Dade County.

5. Defendant David C. Leahy is the Supervisor of Elections of Miami-Dade County. The Supervisor of Elections has responsibilities concerning the administration of voting and elections in Miami-Dade County. Defendant Leahy is a resident of Miami-Dade County, Florida, and is sued in his official capacity.

6. During the November 2000 Presidential election, Defendants, acting through their employees and agents, engaged in practices which prevented Creole-speaking Haitian-American voters in Miami-Dade County with limited ability to understand English from securing assistance at the polls, in violation of Section 208 of the Voting Rights Act:

a. The Defendants denied certain voters assistance from persons of the voters' choice. At several precincts, only pollworkers were permitted to assist voters. Oftentimes, the only pollworkers available to provide assistance did not speak

Creole and limited their assistance to voter demonstrations outside the voting booths;

b. In those circumstances where Miami-Dade County permitted voters assistance from persons of the voters' choice, the County limited the scope of the assistance assistants of choice could provide. Many of these precincts limited such assistance to reviewing sample ballots with the voters and standing next to them during pollworker demonstrations. This limited assistance was of little value to voters once they entered the voting booth;

c. The County failed adequately to instruct pollworkers on their duty to permit voters assistance from persons of their choice. Many pollworkers believed voters were not entitled to assistance from persons of their choice and carried out their duties accordingly.

#### CAUSE OF ACTION

7. Section 208 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973aa-6, states: "Any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union." 42 U.S.C. 1973aa-6.

8. By engaging in the conduct described in Paragraph 6, Defendants violated Section 208. Unless enjoined by this Court,

Defendants will continue to violate Section 208 by failing to provide Miami-Dade County's voters with the opportunity to receive assistance from persons of the voters' choice and by limiting the scope of the assistance voters can receive from their chosen assistants.

WHEREFORE, Plaintiff United States prays for an order:

- (1) Declaring that the practices of Defendants set forth above violate Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6;
- (2) Enjoining Defendants, their agents and successors in office, and all persons acting in concert with them, from engaging in any act or practice which denies the rights secured by Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6;
- (3) Requiring Defendants to devise and implement a remedial plan to ensure that Miami-Dade County's voters are permitted assistance from persons of choice not unlawfully limited in scope, in compliance with Section 208 of the Voting Rights Act, 42 U.S.C. 1973aa-6; and
- (4) Requiring the Defendants to publicize effectively the remedial plans and programs addressing the Section 208 violations enumerated herein to ensure their widespread

dissemination to Miami-Dade County's voters.

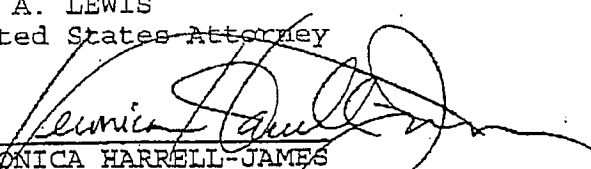
Plaintiff further prays that this Court order such additional relief as the interests of justice may require, together with the costs and disbursements in maintaining this action.

JOHN D. ASHCROFT  
Attorney General

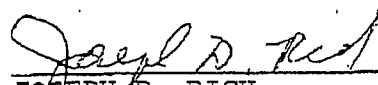


RALPH F. BOYD, JR.  
Assistant Attorney General

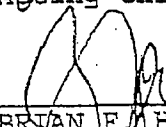
GUY A. LEWIS  
United States Attorney



VERONICA HARRELL-JAMES  
Assistant U.S. Attorney  
Civil Rights Section  
Florida Bar No. 644791  
(305) 961-9327



JOSEPH D. RICH  
Acting Chief, Voting Section



BRIAN F. HEFFERNAN  
SADA MANICKAM  
JAMES D. WALSH  
Attorneys, Voting Section  
Civil Rights Division  
Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530  
(202) 307-6262